United States Environmental Protection Agency | Prevention, Pesticides, and Toxic Substances (7404) | June, 1998

EPA FACT SHEET

Final Rule: Amendments to the TSCA PCB Disposal Regulations Including Amendemnts to the PCB Notification and Manifesting Rule

Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2605, specifically directs EPA to regulate the marking, disposal, manufacturing, processing, distribution in commerce, and use of polychlorinated biphenyls (PCBs). Since 1978, EPA has promulgated numerous rules addressing all aspects of the life cycle of PCBs.

On June 10, 1991 (56 FR 26738), EPA published an Advanced Notice of Proposed Rulemaking (ANPRM) to solicit comments on possible changes to the TSCA PCB disposal regulations. More than ninety commenters responded with comments and supporting data on the issues outlined in the ANPRM, a number of other topics pertaining to the PCB regulations and the interaction between those regulations and other Federal and State programs affecting PCBs. EPA chose to consider all of the comments and proposed changes in a number of areas of the PCB regulations in addition to those addressed in the ANPRM.

On December 6, 1994 (59 FR 62788), EPA solicited comments on its Notice of Proposed Rulemaking (NPRM) to amend the PCB regulations at 40 CFR Part 761 to: (1) provide flexibility in selecting remediation standards and disposal technologies for certain PCB wastes and to expand the list of prescribed, self-implementing decontamination procedures; (2) provide less burdensome mechanisms for obtaining EPA approval for a variety of activities; (3) clarify and/or modify the regulations where ambiguity may exist; (4) modify the requirements in light of concerns associated with the use/maintenance, distribution in commerce and disposal of PCB equipment, and (5) address outstanding issues associated with the notification and manifesting of PCB wastes and changes in the operation of commercial storage facilities. EPA received almost 5,000 comments from nearly 300 parties on the proposal, resulting in numerous changes to the draft regulations.

Roughly 80 issues are being addressed by this final rule. Some changes are of a clarifying nature, while others represent a significant departure from the way EPA has handled these issues in the past. The major changes are identified below in 5 categories:

- Disposal of “Large Volume” Wastes. For purposes of disposal, “large volume” PCB wastes (e.g., remediation wastes, automobile shredder fluff, etc.) are separated from traditional PCB wastes such as transformers, dielectric fluids and capacitors. This rule retains the dilution prohibition, but allows the disposal of remediation waste on the basis of risk rather than its original PCB concentration. The rule provides flexibility in approving disposal options by establishing decision making criteria, as opposed to promulgating cleanup numbers or waste management techniques for all situations.

- Decontamination. This rule allows the decontamination, without a PCB disposal approval, of many materials that are contaminated with PCBs.

- Research & Development/Treatability Studies. Most small-scale R&D/treatability studies are exempt from permitting; volume and concentration limits are established with provisions for modification by EPA. Under a class exemption, small quantities of PCBs may be manufactured (or imported) by facilities for use in their own PCB disposal research activities. Notification and record keeping are required.

- Coordinated Approval. The rule allows the EPA Regional Administrators to recognize certain Federal or State PCB waste handling activities as being equivalent in protection to a TSCA PCB storage or disposal approval. Examples could include Federal or State-issued hazardous waste treatment, storage, disposal or corrective action permits or permits issued under State TSCA look-alike laws.

- Notification and Manifesting (N&M) Rule. A number of clarifications or amendments have been made to the PCB Notification and Manifesting Rule. These actions address implementation issues associated with the December 1989 N&M rule and address legal issues raised by the regulated community.

This final rule is deregulatory in nature. It provides individuals with more flexibility in their PCB disposal practices, while continuing to provide protection from unreasonable risk. The rule also allows for enhanced coordination of PCB waste management activities under TSCA with the requirements of other Federal or State PCB waste handling activities. This rule deletes a number of out-dated requirements, modifies the regulations to address problems in the applicability or implementation of certain requirements, makes certain policies or regulations consistent with the requirements of other Federal statutes, and otherwise makes it easier for the regulated community to comply with the PCB regulations. Finally, EPA establishes certain authorizations and exemptions that would allow the scientific community to conduct research on PCBs and on PCB-contaminated media for the development of innovative disposal technologies without needing to obtain approval from the Agency.